

RECEIVED  
CENTRAL FAX CENTER  
JUL 03 2006

## REMARKS

Reconsideration of the application is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected claims 1-8 and 28-32. Claims 9-15 and 33-39 were objected to under 37 CFR 1.75(c) as being in improper multiple dependent claim form. Claims 9, 11, 30, 33, and 35 have been amended without intending to abandon or publicly dedicate any patentable subject matter. Claims 57 have been added. As such, claims 1-8, 28-32, 9-15 and 33-39 are currently pending.

In the Office Action, the Examiner withdrew claims 16-27 and 40-56 from consideration based on Applicant's provisional election.

Claims 9, 11, 33, and 35 have been amended to remove the multi-dependent claims as indicated by Examiner. Thus, Examination of their patentability merits may proceed.

## OBJECTION TO THE DRAWINGS

In the Office Action, the Examiner objected to the drawings as they do not show the "energy storage device" recited in claim 29. Claim 29 has been cancelled to expedite the case; however, Applicant reserves the right to reintroduce claim 29 with appropriate substitute drawings should at least some of the currently pending claims be allowed. Claim 30 has been amended to remove the dependency on cancelled claim 29.

## REJECTION OF CLAIMS 1-8 AND 28-32 UNDER 35 USC §102(b)

Claims 1-8 and 28-32 were rejected under 35 U.S.C. 102(b) as being anticipated by Bayles. Examiner numerous "means for" Bayles achieving functions

Atty. Dkt. No. HDRA001

Page 4 of 15

App. No. 10/783,595

claimed by Applicant. However, Applicant invoked 35 USC §112(6), which requires that Examiner look into Applicant's specification, and identify each corresponding structure that is supposedly anticipated by Bayles. Examiner's basis of rejection has only interpreted Applicant's "means for" in their broadest interpretation, which is not consistent with 35 USC §112(6). Applicant requests that Examiner properly reexamine all such claims under 35 USC §112(6).

Claim 57 has been added to further clarify the subject matter regarded as the invention, and combines claims 1, 2 and 23. Claims 57, as mentioned above, invokes 35 USC §112(6), and Examiner is requested to properly examine claim 57 under 35 USC §112(6). Applicant contends that Bayles is completely silent with respect to impact forces in a rotational direction as required by claims 57 and 23. Indeed, Bayles is limited to delivering impact forces longitudinally, that are further limited to not being bidirectional. That is, claims 1 and 57 require "means for enabling the repeated application of an impact force to the valve actuating stem alternately in opposite directions"; however, in contrast, Bayles can only produce impacts in one longitudinal direction at a time. It should be noted that the foregoing limitations of Bayles are to be expected, given that Bayles is directed to an extractor designed to extract pins or rods. In contrast, the design of the present invention is capable of restoring the rotational action of a valve, which Bayles cannot accomplish. It should be noted that similar remarks apply to the other prior art references that were cited but not used in Examiner's rejection.

In view of the foregoing discussion, claims 1 and 57 are believed to be not anticipated by Bayles, and Examiner is respectfully requested to allow these claims.

Additionally, it is submitted that dependent claims 2-8 are also patentably distinct over for at least the same reasons as their respective independent claim 1. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the

claimed invention from Bayles. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 2-8 under 35 USC §103(a).

#### **OTHER CITED REFERENCES**

The Examiner also cited other references on PTO Form-892, but did not use these references to reject the claims. As implied by the fact that these references were not used to reject the claims, these additional references do not teach or suggest the features of Applicant's claimed invention. Thus, it is submitted that all claims are patentably distinct from these additional references.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance for this application is respectfully requested from the Examiner. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response, an Examiner's Amendment, or otherwise if the Examiner believes that further discussion would expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicant has unexpectedly taken notice that the statutory period for response has expired. Applicant hereby petitions to revive the present application under 37 CFR 1.137. The docket of the undersigned was in error and indicated the 6 month deadline as 7/19/06 instead of 6/19/06. Once notice was recently taken of the error, diligent effort to prepare and file the present response was taken. Thus, the entire delay in filing the present office action response from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 was completely unintentional. The Commissioner is hereby authorized to charge the petition fee as set forth in § 1.17(m), or any required fees, not included with this paper, and or credit any overpayment directly to the credit card indicated in the attached Credit Card Payment form PTO-2038.

Respectfully submitted,  
Bay Area Intellectual Property Group, LLC



Ariel Bentolila  
Registration No. 52,614

BAY AREA INTELLECTUAL PROPERTY GROUP, LLC

P.O. Box 210459  
San Francisco CA, 94121-0459  
Telephone (415) 515-3005